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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/754,256      | 01/05/2001  | David D. Kloba       | 1933.001000A        | 3653             |

26111 7590 05/03/2004

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| EXAMINER |
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BATES, KEVIN T

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2155

DATE MAILED: 05/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/754,256

Applicant(s)

KLOBA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6.8.9</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The Declaration was received on June 11, 2001.

The Request to approve formal drawings was received on June 11, 2001.

The Formal Drawings were received on October 26, 2001.

The Change of Address was received on November 18, 2002.

The Information Disclosure Statements were received on April 3, 2002, August 21, 2003, and February 5, 2004.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wecker (6311058) in view of McLain (6493758).

Regarding claims 1, 9, and 17, Wecker discloses a method of performing script operations for mobile devices (Column 2, lines 20 – 24), comprising the steps of: (1) sending a request for at least one object (Column 2, lines 57 – 62); (3) receiving said at least one object; and (4) receiving at least one script related to said at least one object (Column 3, lines 64 – 65), but Wecker does not explicitly indicate the step of (2) sending a list of support languages. McLain teaches the steps sending a list of the mobile devices capabilities to the server (Column 10, line 61 – Column 11, line 32). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use McLain's teaching of sending information about the mobile device while requesting information so that time isn't wasted transmitting content that can not be used (Column 11, lines 18 – 21).

Regarding claims 2, 10, and 18, Wecker in combination with McLain discloses the step of: (5) storing said at least one object and said at least script (Wecker, Column 8, lines 56 – 59).

Regarding claims 3, 11, and 19, Wecker in combination with McLain discloses the steps of: (5) accessing said at least one object; (6) executing said at least one script related to said at least one object (Wecker, Column 4, lines 35 – 44).

Regarding claims 4, 12, and 20, Wecker in combination with McLain discloses the steps of: (a) determining said at least one script's language; (b) interpreting said at least one script based on said language (Wecker, Column 9, lines 55 – 63); (c) receiving page specific global objects; and (d) forwarding said page specific global objects (Wecker, Column 9, lines 59 – 63).

Regarding claims 5, 13, and 21, Wecker in combination with McLain discloses the step of: (i) compiling said at least one script (Column 4, lines 35 – 40).

Regarding claims 6, 14, and 22, Wecker in combination with McLain discloses the step of: (5) updating at least one property based on operation of said at least one script (Wecker, Column 3, lines 11 – 14).

Regarding claims 7, 15, and 23, Wecker in combination with McLain discloses the steps of: (a) accessing at least one property associated with page specific global

objects (Column 2, line 64 – Column 3, line 10); (b) updating said at least one property; and (c) storing said at least one property (Column 4, lines 21 – 27).

Regarding claims 8, 16, and 24, Wecker in combination with McLain discloses that the step of: receiving information representing said at least one script wherein said information is accessed instead of said at least one script (Column 3, lines 2 – 5; Column 10, lines 1 – 13).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6449638 issued to Wecker, because it have more information on Channel Definition files.

U. S. Patent No. 6151610 issued to Senn, because it deals with scripts and objects.

U. S. Patent No. 5905856 issued to Ottensooser, because it deals with scripts, languages, and objects.

U. S. Patent No. 5943496 issued to Li, because it deals with scripts, languages, and objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
April 29, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER